

IN THE UNITED STATES DISTRICT COURT

UNITED STATES OF AMERICA : CRIMINAL NO. _____

v. : DATE FILED: _____

MICHAEL EPLER	: VIOLATIONS:	18 U.S.C. § 1951
		(Interference with commerce
	:	by robbery - 1 Count)
		18 U.S.C. § 2113(d)
	:	(Armed bank robbery
		- 2 Counts)
	:	18 U.S.C. § 924(c)
		(Use of gun during
		crime of violence - 3 Counts)
		Notice of Forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. At all times relevant to this indictment, Donn's Guns, a firearms retail business located at 641 Bethlehem Pike, Montgomeryville, Pennsylvania [Donn's Guns], did business in interstate commerce.

2. On or about January 26, 2001, in Montgomeryville, Montgomery County, in the Eastern District of Pennsylvania, defendant

MICHAEL EPLER

unlawfully obstructed, delayed and affected commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in commerce, by robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), in that the defendant unlawfully took and obtained property, that is approximately 30 handguns belonging

to Donn's Guns, from the care, custody, control, management, and possession of Donn's Guns' employees, in the presence of the employees, against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person.

In violation of Title 18, United States Code, Section 1951.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 26, 2001, in Montgomeryville, Montgomery County, in the Eastern District of Pennsylvania, defendant

MICHAEL EPLER

knowingly used and carried a firearm, that is, a short-barreled nine millimeter Marlin Camp Carbine rifle, during and in relation to a crime of violence, that is, Hobbs Act robbery in violation of 18 U.S.C. § 1951.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 924(c)(1)(B)(i).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 8, 2002, at Douglassville, Berks County, in the Eastern District of Pennsylvania, defendant

MICHAEL EPLER

knowingly and unlawfully, by force and violence, and by intimidation, took from employees of the National Penn Bank, 63 Old Swede Road, Douglassville, Pennsylvania, lawful currency of the United States, that is approximately \$103,027 belonging to, and in the care, custody, control, management and possession of the National Penn Bank, the deposits of which were and are insured by the Federal Deposit Insurance Corporation, Certificate Number 7414-4, and, in so doing, defendant **MICHAEL EPLER** knowingly and unlawfully assaulted and put in jeopardy the lives of employees of the Penn National Bank, and others, by use of a dangerous weapon, that is, a semi-automatic handgun.

In violation of Title 18, United States Code, Section 2113(d).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 8, 2002, in Douglassville, Berks County, in the Eastern District of Pennsylvania, defendant

MICHAEL EPLER

knowingly used and carried a firearm, that is, a semi-automatic handgun, during and in relation to a crime of violence, that is, armed bank robbery in violation of 18 U.S.C. § 2113(d).

In violation of Title 18, United States Code, Sections 924(c)(1).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 6, 2004, at West Chester, Chester County, in the Eastern District of Pennsylvania, defendant

MICHAEL EPLER

knowingly and unlawfully, by force and violence, and by intimidation, took from employees of the Citizens Bank, 22 Turner Lane, West Chester, Pennsylvania, lawful currency of the United States, that is approximately \$16,760 belonging to, and in the care, custody, control, management and possession of the Citizens Bank, the deposits of which were and are insured by the Federal Deposit Insurance Corporation, Certificate Number 57282, and, in so doing, defendant **MICHAEL EPLER** knowingly and unlawfully assaulted and put in jeopardy the lives of employees of the Citizens Bank, and others, by use of a dangerous weapon, that is, a Colt Cobra .38 caliber revolver, serial number C82440.

All in violation of Title 18, United States Code, Section 2113(d).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 6, 2004, at West Chester, Chester County, in the Eastern District of Pennsylvania, defendant

MICHAEL EPLER

knowingly used and carried a firearm, that is, a Colt Cobra .38 caliber revolver, serial number C82440, during and in relation to a crime of violence, that is, armed bank robbery in violation of 18 U.S.C § 2113 (d).

All in violation of Title 18, United States Code, Sections 924(c)(1).

NOTICE OF FORFEITURE

1. As a result of the violations of Title 18, United States Code, Section 2113(d), set forth in this indictment, the defendant

MICHAEL EPLER

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offense(s), as charged in this indictment, including, but not limited to:

a. \$103,027

b. \$16,760

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant(s):

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 981(a)(1)(C).

NOTICE OF FORFEITURE

As a result of the violations of Title 18, United States Code, Sections 924(c), set forth in Counts Two, Four, and Five of this indictment, defendant

MICHAEL EPLER

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of such offenses, including, but not limited to:

1. a short-barreled nine millimeter Marlin Camp Carbine rifle, serial number 05570363, and silencer;
2. a Walther PPKS .380 caliber semi-automatic handgun, serial number 1280AAA;
3. a Colt Cobra .38 caliber revolver, serial number C82440;
4. an Astra A75 9 mm semi-automatic handgun, serial number 1261D;
5. a National Arms Guardian .32 caliber revolver, serial number AC04665;
6. a Ruger Vaquero .45 caliber revolver, serial number 5537414;
7. a Colt 1908 .25 caliber semi-automatic handgun, serial number 816; and
8. a Tarus PT99 9 mm semi-automatic handgun, serial number TJ161686.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney